

**ASSEMBLY BILL**

**No. 2011**

**Introduced by Assembly Member Wayne**

February 18, 2000

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An act to amend Sections 1597.55a and 1597.55b of the Health and Safety Code, relating to family day care homes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2011, as introduced, Wayne. Family day care homes: licensing: unannounced visits.

Existing law requires family day care homes to be licensed by the State Department of Social Services.

Existing law establishes the Child Health Safety Fund under which special funds are provided in accordance with specified priorities. Priorities include conducting site visits to licensed family day care homes. The fund is partially administered by the State Department of Social Services.

Existing law requires the department, when certain funds are not available, to conduct an unannounced site visit of a family day care home before the family day care home's license is renewed, in addition to other required visits.

Existing law also requires the department, to the extent certain funds are available, to conduct unannounced site visits to family day care homes at least annually, in addition to other required site visits.

This bill would instead require the department, regardless of funding, to conduct an unannounced visit of all licensed family day care homes every 2 years and as necessary to ensure family day care homes comply with the law.

Existing law requires the department, to the extent special funds are available, to conduct unannounced site visits on or before every 3rd anniversary of the issuance of the family day care home license and this visit may count toward the required annual unannounced visit.

This bill would delete this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1597.55a of the Health and  
2 Safety Code is amended to read:

3 1597.55a. No site visits, or unannounced visits or spot  
4 checks, shall be made under this chapter except as  
5 provided in this section.

6 (a) An announced site visit shall be required prior to  
7 the initial licensing of the applicant.

8 (b) An unannounced site visit *to all licensed family day*  
9 *care homes* shall be required ~~for the renewal of a license~~  
10 *every two years and as often as necessary to ensure*  
11 *compliance.*

12 (c) A public agency under contract with the  
13 department may make spot checks if it does not result in  
14 any cost to the state. However, spot checks shall not be  
15 required by the department.

16 (d) The department or licensing agency shall make an  
17 unannounced site visit on the basis of a complaint and a  
18 followup visit as provided in Section 1596.853.

19 (e) In addition to any site visit or spot check  
20 authorized under this section, the department shall  
21 annually make unannounced visits on 10 percent of all  
22 family day care homes for children licensed under this  
23 chapter. The unannounced visits may be made at any  
24 time, including the time of a request for a renewal of a  
25 license.

26 (f) An unannounced site visit shall adhere to both of  
27 the following conditions:



(1) The visit shall take place only during the facility's normal business hours or at any time family day care services are being provided.

(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.

(g) The department shall implement this section during periods that Section 1597.55b is not being implemented in accordance with Section 18285.5 of the Welfare and Institutions Code.

SEC. 2. Section 1597.55b of the Health and Safety Code is amended to read:

1597.55b. No site visits, or unannounced visits or spot checks, shall be made under this chapter except as provided in this section.

(a) An announced site visit shall be required prior to the licensing of the applicant.

~~(b) An unannounced site visit shall be required on or before every third anniversary of the issuance of the license.~~

~~(c)~~ A public agency under contract with the department may make spot checks if they do not result in any cost to the state. However, spot checks shall not be required by the department.

~~(d)~~  
(c) An unannounced site visit to all licensed family day care homes shall be made ~~annually~~ *every two years* and as often as necessary to ensure compliance. ~~The site visits required under subdivision (b) may count towards the annual visit required by this subdivision.~~

~~(e)~~  
(d) The department or licensing agency shall make an unannounced site visit on the basis of a complaint and a followup visit as provided in Section 1596.853. At no time shall other site visit requirements described by this section prevent a timely site visit response to a complaint.

~~(f)~~  
(e) The department shall annually make unannounced spot visits on 20 percent of all family day care homes for children licensed under this chapter. The

1 unannounced visits may be made at any time, and shall  
2 be in addition to the visits required by subdivisions (b);  
3 ~~(e), and (d) and (c).~~

4 ~~(g)–~~

5 (f) An unannounced site visit shall comply with both  
6 of the following conditions:

7 (1) The visit shall take place only during the facility's  
8 normal business hours or at any time family day care  
9 services are being provided.

10 (2) The inspection of the facility shall be limited to  
11 those parts of the facility in which family day care services  
12 are provided or to which the children have access.

13 ~~(h)–~~

14 (g) The department shall implement this section only  
15 to the extent funds are available in accordance with  
16 Section 18285.5 of the Welfare and Institutions Code.

